

Message

From: Hurl, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]
Sent: 5/22/2018 8:17:03 PM
To: Chemerys, Ruth [Chemerys.Ruth@epa.gov]
Subject: FW: weekly talking points

Oops, should have sent this to you first. Anything to add?

From: Hurl, Kathy
Sent: Tuesday, May 22, 2018 4:14 PM
To: McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: weekly talking points

404 Assumption

FL –

- Rule Making process initiated May 11; public meetings to be held next week – May 30th will have webinar capacity. Public comments due June 15.
- R4 (Jeanneanne Gettle, Mary Walker and Trey Glenn) had a call on Friday with FDEP (Secretary Valenstine, Megan Seward, and John Truitt) and informed them that EPA is not changing our position regarding ESA Section 7 consultation of state permits EPA reviews. The state said this was a lot to digest and they would get back to us. R4 management, Tom McGill, has reached out to Megan Seward, to see if they'd like us to go over potential paths forward/proposed MOA language. FL will get back to us when and if they want to hold such a call.

MI –

- Menominee Tribe v EPA & COE.
 - DOJ filed a motion to dismiss in late March. The Tribe has filed a motion in opposition.
 - Aquila Resources filed a motion to dismiss the case.
 - DOJ has until June 1 to file a response to the tribal motion in opposition and in support of Aquila's motion. We in EPA have not yet seen a draft response from DOJ.
- R5 has approve several changes to Michigan's general permits. None were significant/substantial.
- We anticipate receiving a revised draft permit from MI on Aquila Back 40 any day that incorporates conditions that EPA requested. If it incorporates our conditions, the region will remove their objection. R5 staff briefed the DRA 5-22.
- Other R5 state interest:
 - R5 will attend Indiana's state-wide meeting the week of 5/28; expecting questions about assumption.
 - R5 encouraged Wisconsin to embark on a feasibility study before compiling an assumption package to give to EPA. R5 is suggesting this as WI has looked into assumption several times in the past and has chosen not to pursue it for various reasons.

AZ – Arizona has given EPA new timeline for their assumption effort extending their development process by a year. New projected date for submittal of a package to EPA is May of 2020.

Rule development

- Workgroup has begun meeting.
- Looking to set up initial briefing with AA and then early guidance/analytical blueprint meeting for late June.
- For state and tribal input workshops, we will likely need travel monies for tribes. Timing will be discussed at briefings.

Ex. 5 Deliberative Process (DP)

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